

rejection under the first paragraph of 35 U.S.C. § 112, i.e. "The Examiner does not see disclosed a first or second modifier as claimed." It is not seen how this statement pertains to a rejection under the *second* paragraph of 35 U.S.C. § 112. It does not identify any indefiniteness in the claims, per se. Rather, it is only directed to an alleged insufficiency in the specification, which is the subject of the *first* paragraph of 35 U.S.C. § 112.

In any event, for the reasons presented above, it is respectfully submitted that the disclosure provides clear support for the first and second modifiers recited in the rejected claims.

The Office Action maintains the rejection of claims 2, 6, 8, 9 and 11 under 35 U.S.C. § 102, on the basis of the Francis et al. patent (US 6,362,893). In the previous response, Applicant pointed out the reasons why the Francis patent does not anticipate the subject matter of these claims, and specifically requested the Examiner to explain what subject matter disclosed in the Francis patent is considered to be a first data modifier on the data processing device, and a second, complementary data modifier on the printer. In response thereto, the most recent Office Action states that the first data modifier is considered to be the smart card, and the second data modifier is considered to be verification of a password in the printer. It is respectfully submitted that this interpretation of the Francis patent does not support the rejection under 35 U.S.C. § 102.

Claim 2 recites a first data modifier for modifying "data processed by the driver software that is to be output by said output device". There is no showing in the Office Action that the smart card 10 of the Francis patent modifies data that is processed by driver software that is to be output by the output device, e.g. the printer 30. Rather, the patent only discloses that the smart card presents a password to the printer. This operation has nothing to do with the data processed by the printer driver 16 of the computer 100, and sent to the printer 30 for output.

Furthermore, the Office Action does not explain what operation, if any, performed by the smart card is considered to be data *modification*. The Francis patent discloses that the

printer 30 reads the password stored in the memory of the smart card. There is no disclosure of any data modification that takes place as part of this procedure.

Claim 2 further recites a second data modifier provided on the output device "that performs *complementary* modification on all data received at the output device that is to be output by the output device". Again, the Office Action does not explain how the Francis patent can be interpreted to anticipate this claimed subject matter. First, it does not identify any *modification* of data that occurs within the printer. It only refers to the verification of the password, which is simply in operation to determine whether a password in the printer memory matches that on the smart card. See column 5, lines 1-4. There is no data modification that takes place as part of this operation.

Second, even if the password verification could be considered to be some form of data modification, the Office Action does not explain how this modification can be considered to be *complementary* to that provided by the first data modifier.

Third, the Office Action does not explain how the password verification process can be considered to be modification on "data received at the output device that is to be output by the output device." The password verification process only relates to a security feature. It has nothing to do with modification of data that is output by the printer, e.g. the printed data.

For at least these reasons, therefore, it is respectfully submitted that the Office Action does not set forth a proper basis for the rejection of claim 2 under 35 U.S.C. §102. For similar reasons, claims 6 and 8 are likewise not anticipated by the Francis patent.

Claim 9 recites a computer-readable storage medium containing a program that includes the step of encrypting output data from an application program run on a data processing device, in which a specific password is set for output data from the application program. As pointed out in Applicant's previous response, the Francis patent does not disclose the *encryption* of data from an application program. Nor does it disclose setting a password for such data.

In response to Applicant's arguments, the most recent Office Action states that the Francis patent discloses that the smart card contains encoded data, and the password is also stored on the smart card, with reference to column 8, lines 30-36. It is respectfully submitted that this passage has nothing to do with the subject matter of claim 9. It relates to the situation in which a user loses the smart card key or misplaces the password. In such a case, the user can contact an off-site verification location, which provides an alternative avenue for accessing the printer.

The mere fact that the Francis patent discloses that the smart card contains encoded data is not sufficient to support the rejection. Claim 9 recites that the program stored on the computer-readable medium functions to encrypt "output data *from an application program* run on a data processing device." The Office Action does not identify what subject matter in the Francis patent is considered to correspond to the application program that is running on the data processing device, e.g. computer 100. More importantly, it does not identify where the patent discloses the *encryption* of output data from such an application program. Nor does it identify where such encrypted data is output to the output device, e.g. the printer.

Accordingly, it is respectfully submitted that the Office Action does not establish a proper basis for the rejection of claims 9 and 11.

Claims 1, 3, 5 and 7 were rejected under 35 U.S.C. § 103, on the basis of the Kakiuchi et al. patent in view of the Nagashima et al. patent. The statement of rejection is the same as that which appeared in the Office Action dated February 15, 2005. Applicant addressed that rejection in the response filed July 15, 2005. For example, with reference to claim 1, the response pointed out that the Kakiuchi patent does not disclose a first controller that "determines whether a print request instructs data to be sent to the output device via the printer driver or in a manner that bypasses the printer driver." Applicant also pointed out that the Nagashima patent does not disclose a second controller "that is responsive to the first controller for prohibiting data from being sent to the output device if the data is to be sent in

a manner that bypasses the printer driver." In response to these arguments, claims 1, 3-5 and 7 were allowed.

In the most recent Office Action, the rejection of claims 1, 3, 5 and 7 was reinstated.¹ However, the Office Action does not explain why this action is being taken. In particular, it does not address the substance of the arguments that were presented in Applicant's response filed July 15, 2005. MPEP §707.07(f) states, "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument *and answer the substance of it.*" (emphasis added) The most recent Office Action does not comply with this requirement. In particular, it does not identify how the references can be interpreted to disclose, or otherwise suggest, the claimed features that were identified in Applicant's traversal of this same ground of rejection.

It is respectfully submitted that, if the rejection of claims 1, 3, 5 and 7 is not withdrawn, the Applicant is entitled to a substantive response to the previous arguments, so that the Examiner's interpretation can be addressed.

In view of the foregoing, it is respectfully submitted that the claims comply with the requirements of 35 U.S.C. § 112, and that the Office Action does not set forth a proper basis for the rejection under 35 U.S.C. § 102. Furthermore, the Office Action does not substantively respond to Applicant's previous traversal of the rejection under 35 U.S.C. § 103.


¹ It is noted that the Office Action does not address pending claim 4.

Reconsideration and withdrawal of the rejections, and allowance of all pending claims are respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By: 
James A. LaBarre
Registration No. 28632

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620